

1 David N. Chandler, Sr. SBN 60780
David N. Chandler, Jr. SBN 235427
2 DAVID N. CHANDLER, p.c.
1747 Fourth Street
3 Santa Rosa, CA 95404
Telephone: (707) 528-4331
4

Attorneys for Debtor
5

6 UNITED STATES BANKRUPTCY COURT
7 NORTHERN DISTRICT OF CALIFORNIA

8 IN RE: CASE NO. 09-13483

9 WILFRED WILLIAM KEHR, CHAPTER 7

10 DEBTOR. /

NOTICE OF HEARING ON
MOTION FOR ORDER COMPELLING
ABANDONMENT OF ESTATE PROPERTY
Date: November 5, 2010
Time: 9:00 a.m.
Place: 99 South E St.
Santa Rosa, CA
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15 TO: JEFFRY LOCKE, TRUSTEE, and ALL PARTIES IN INTEREST:

16 PLEASE TAKE NOTICE that a hearing will be held on the Motion
17 of Wilfred William Kehr, Debtor herein, for an order compelling
18 abandonment of the real property located at 3972 Millbrook Drive,
19 Santa Rosa, California.

20 The Motion is attached hereto as Exhibit A.

21 Dated: 10/6/10

DAVID N. CHANDLER, p.c.
22

23 By: /s/ David N. Chandler, Jr.
24 David N. Chandler, Jr.
Attorney for Debtor
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EXHIBIT A

1 David N. Chandler, Sr. SBN 60780
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5 UNITED STATES BANKRUPTCY COURT
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7 NORTHERN DISTRICT OF CALIFORNIA

8 IN RE: CASE No. 09-13483

9 WILFRED WILLIAM KEHR, CHAPTER 7

10 DEBTOR. /

MOTION FOR ORDER COMPELLING
ABANDONMENT OF ESTATE PROPERTY;
DECLARATION WILFRED WILLIAM KEHR
Date: November 5, 2010
Time: 9:00 a.m.
Place: 99 South E St.
Santa Rosa, CA

14 Wilfred William Kehr, debtor herein, hereby moves the Court for
15 an order compelling the Trustee to abandon estate property and
16 represents:

17 1. This case was commenced by voluntary petition under
18 Chapter 7 of the Code on October 22, 2009.

19 2. The Debtor's Discharge was entered January 26, 2010

20 3. Jeffry Locke is the acting Trustee in the case.

21 4. Debtor owns real property located at 3972 Millbrook Dr.,
22 Santa Rosa, California 95404 (hereinafter the "Real Property").
23 The Real Property is property of the estate.

24 5. The Real Property is subject to encumbrances totaling
25 approximately \$671,000.00.

26 6. Debtor is informed and believes, based upon comparable
27 sales in the area, that the value of the Real Property is \$650,000
28 or less.

7. Debtor is attempting to obtain a modification of the loans secured by the Real Property. The Mortgage Creditor initially approved Debtor for a loan modification, however, a loan modification agreement was never delivered. When Debtor inquired, he was told by the Mortgage Creditor that they could not modify his loans because of the pending bankruptcy proceeding.

8. On September 23, 2010, the Mortgage Creditor filed a Motion for Relief From Stay [Docket No. 24] in which it indicated an intent to foreclose its security interest.

9. After notice and a hearing, the Court may order the trustee to abandon any property of the estate that is of inconsequential value and benefit to the estate. 11 U.S.C. § 554.

10. There is no non-exempt equity in the Real Property and therefore it is of inconsequential value and benefit to the estate.

11. Debtor is hopeful that an order compelling abandonment will facilitate the loan modification process.

WHEREFORE, Debtor requests that the Court enter an order compelling the Trustee to abandon the Real Property, and for such other relief as the court deems just and proper.

Respectfully submitted,

Dated: 9/29/10

DAVID N. CHANDLER, p.c.

By: /s/ David N. Chandler, Jr.
DAVID N. CHANDLER, Jr.,
Attorney for Debtor

DECLARATION OF WILFRED WILLIAM KEHR

I, Wilfred William Kehr, declare and say:

1. That if called as a witness, I am competent to testify to the within matters from my own knowledge.

1 2. That I am the debtor in the above-entitled proceeding.

2 3. That I am the owner of the real property located at 3972
3 Millbrook Dr., Santa Rosa, California 95404 (hereinafter the "Real
4 Property").

5 4. That the Real Property is subject to encumbrances totaling
6 approximately \$671,000.00. The claims secured by the Real Property
7 are listed in Schedule D of the Bankruptcy Schedules.

8 5. That I am informed and believe, based upon sales and
9 comparable properties in the same area, that the current value of
10 the Real Property is \$650,000.00 or less.

11 6. That I am attempting to obtain a modification of the loans
12 secured by the Real Property. The Mortgage Creditor initially
13 approved me for a loan modification, however, a loan modification
14 agreement was never delivered. When I inquired, I was told by the
15 Mortgage Creditor that they could not modify my loans because of the
16 pending bankruptcy proceeding. They are now refusing to even talk
17 to me.

18 7. That on September 23, 2010, the Mortgage Creditor filed a
19 Motion for Relief From Stay [Docket No. 24] in which it indicated an
20 intent to foreclose its security interest.

21 8. That I am hopeful that an order compelling abandonment of
22 the Real Property will facilitate the loan modification process.

23 Executed under penalty of perjury this 29th day of September,
24 2010 at Sonoma County, California.

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26 /s/ Wilfred W. Kehr
27 WILFRED WILLIAM KEHR

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CERTIFICATE OF SERVICE

I am a citizen of the United States, and over the age of eighteen (18) years, employed at 1747 Fourth Street, Santa Rosa, California, and not a party to the within action.

On October 6, 2010, I served a copy of the within NOTICE OF HEARING ON MOTION FOR ORDER COMPELLING ABANDONMENT OF ESTATE PROPERTY on the interested parties in said action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States post office mail box at Santa Rosa, California, addressed as follows:

(SEE ATTACHED)

I, JANE F. KAMAS, declare under penalty of perjury that the foregoing is true and correct.

Executed on October 6, 2010, Santa Rosa, California.

/s/ Jane F. Kamas
JANE F. KAMAS

Label Matrix for local noticing
0971-1
Case 09-13483
Northern District of California
Santa Rosa
Fri Oct 1 16:07:24 PDT 2010

American Express Centurion Bank
c/o Becket and Lee LLP
POB 3001
Malvern PA 19355-0701

Valerie N. Brown
Lowndes, Drosdick, Doster et al
215 N Eola Dr.
Orlando, FL 32801-2095

David N. Chandler Jr.
Law Offices of David N. Chandler
1747 4th St.
Santa Rosa, CA 95404-3601

Fia Card Services, NA/Bank of America
by American Infosource Lp As Its Agent
PO Box 248809
Oklahoma City, OK 73124-8809

Wilfred William Kehr
3972 Millbrook Dr.
Santa Rosa, CA 95404-7613

Office of the U.S. Trustee / SR
235 Pine Street
Suite 700
San Francisco, CA 94104-2736

SVO Pacific, Inc.
P.O. Box 105164
Atlanta, GA 30348-5164

Sterlings Savings Bank
801 4th St.
Santa Rosa, CA 95404-4504

Washington Mutual
P.O. Box 78148
Phoenix, AZ 85062-8148

American Express
Box 0001
Los Angeles, CA 90096-0001

Bank of America
P.O. Box 851001
Dallas, TX 75285-1001

CA Employment Development Dept.
Bankruptcy Group MIC 92E
P.O. Box 826880
Sacramento, CA 94280-0001

Chase
P.O. Box 15548
Wilmington, DE 19886-5548

Franchise Tax Board
Bankruptcy Group
P.O. Box 2952
Sacramento, CA 95812-2952

Jeffrey Locke
530 Alameda Del Prado #396
Novato, CA 94949-9810

Redwood Credit Union
P.O. Box 6104
Santa Rosa, CA 95406-0104

SVO Pacific, Inc.
c/o Lowndes, Drosdick, et al
Att: Valerie N. Brown
450 S. Orange Avenue - Suite 800
Orlando, FL 32801-3344

Reidun Stromsheim
Law Offices of Stromsheim and Assoc.
201 California St. #350
San Francisco, CA 94111-5038

Melodie A. Whitson
Pite Duncan
4375 Jutland Dr. #200
San Diego, CA 92117-3600

American Express Bank FSB
c/o Becket and Lee LLP
POB 3001
Malvern PA 19355-0701

Bank of America, National Association as suc
Pite Duncan, LLP
c/o Melodie A. Whitson
Jutland Drive, Suite 200
PO Box 17933
San Diego, CA 92177-7921

Capital One Visa
P.O. Box 60599
City Of Industry, CA 91716-0599

Dean Marty
P.O. Box 923
Pennngrove, CA 94951-0923

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 21126
PHILADELPHIA PA 19114-0326

Macy's Visa
P.O. Box 689194
Des Moines, IA 50368-9194

SVO Pacific, Inc.
C/O Lowndes, Drosdick, Doster, et al
Att: Valerie N. Brown
450 S. Orange Avenue - Suite 800
Orlando, FL 32801-3344

Sterling Savings Bank
111 N. Wall
Spokane, WA 99201-0696

W.K. Construction, Inc.
3972 Millbrook Dr.
Santa Rosa, CA 95404-7613

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

IRS
P.O. Box 21126
Philadelphia, PA 19114-0326

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)American Express	(d)Washington Mutual	End of Label Matrix	
P.O. Box 0001	P.O. Box 78148	Mailable recipients	28
Los Angeles, CA 90096-8000	Phoenix, AZ 85062-8148	Bypassed recipients	2
		Total	30